

SENATOR BROCK L. GREENFIELD, CHAIR | REPRESENTATIVE STEVEN G. HAUGAARD, VICE CHAIR  
REED HOLWEGNER, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR

500 EAST CAPITOL AVENUE, PIERRE, SD 57501 | 605-773-3251 | SDLEGISLATURE.GOV



RECEIVED

DEC 18 2020

S.D. SEC. OF STATE

December 17, 2020

Nick Reid  
6205 Northdale Dr.  
Black Hawk, SD 57718

Dear Mr. Reid:

The Legislative Research Council (LRC) is required by SDCL 12-13-25 to review each initiated constitutional amendment for the purpose of determining whether the amendment is written in a clear and coherent manner that reflects the style and form of other legislation and for the purpose of ensuring that the amendment is not misleading or likely to cause confusion among the voters. In accordance with SDCL 12-13-25, the LRC is required to provide written comments for the purpose of assisting the amendment's sponsor in meeting the requirements of SDCL 12-13-24. This includes providing assistance regarding the substantive content of the amendment in order to minimize any conflict with existing law and to ensure the amendment's effective administration. While there is no obligation to accept any of the suggestions contained in this letter, you are asked to keep in mind the legal standards established in SDCL 12-13-24 and 12-13-25.

After reviewing the proposed constitution amendment, we have the following suggestions:

- The title of the initiated constitutional amendment is drafted by the Office of the Attorney General under statute, so the title of the amendment should be removed.
- If approved by the voters, this amendment would require a number of provisions of state law and administrative rules to be amended. The addition of the last sentence of the proposed new section would direct the Legislature to provide for these necessary changes.

Against this backdrop, we have prepared and attached a copy of the proposed amendment with our suggested style and form changes, which are based upon the Guide to Legislative Drafting (<https://mylrc.sdlegislature.gov/api/Documents/127102.pdf>). We have overstricken material that we suggest be removed. Additions are underscored. Should you have any questions about these changes, or about the suggestions made in this letter, please feel free to contact this office.

In addition, it has been determined during this review that this amendment may have an impact on revenues, expenditures, or fiscal liability of the state and its agencies and political subdivisions. Please provide the LRC a copy of the amendment as submitted in final form to the Attorney General, so we can develop any fiscal note required by SDCL 2-9-30.

Filed this 18<sup>th</sup> day of  
December 2020  
*Steve Barnett*  
SECRETARY OF STATE

Mr. Nick Reid  
December 17, 2020  
Page 2

RECEIVED  
DEC 18 2020  
SEC. OF STATE

This letter constitutes neither an endorsement of the proposed amendment nor a guarantee of its sufficiency. It is a recognition that your responsibility to submit your draft to the LRC for review and comment, as required by SDCL 12-13-25, has been fulfilled. If you proceed with your initiated amendment, please ensure neither your statements nor any advertising imply that this office has endorsed or approved the measure.

Sincerely,



Reed Holwegner  
Director

RH/DO/ct

Enclosure

CC: The Honorable Steve Barnett, Secretary of State  
The Honorable Jason Ravnsborg, Attorney General

~~Title: An initiated amendment to the South Dakota Constitution establishing open primary elections.~~

~~Be it enacted by the people of South Dakota. That Article VII of the Constitution of South Dakota be amended by adding thereto NEW SECTION to read as follows:~~

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

Section 1. That Article VII of the Constitution of the State of South Dakota, be amended by adding a NEW SECTION to read:

~~§ 4. An open § 11.~~ A primary election shall be held prior to the general election to nominate candidates for the office of Governor, the Legislature, all county elective offices, and the United States Senate and House of Representatives. The primary election for such candidates shall be open to all registered voters. The two candidates who receive the most votes in the ~~open~~ primary are the nominees for each office. If more than one candidate is to be elected to an office, the number of nominees shall be twice the number to be elected.

The Legislature shall provide by law any provisions necessary to implement this section.

Filed this 18<sup>th</sup> day of  
December 2020

*Steve Barnett*  
SECRETARY OF STATE